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DEC 28 2007

OFFICE OF PETITIONS

In re Patent No. 7,167,340 : DECISION ON PATENT TERM
Issued: January 23, 2007 : ADJUSTMENT and NOTICE OF
Application No. 09/802,314 : INTENT TO ISSUE CERTIFICATE
Filed: March 8, 2001 : OF CORRECTION
Dkt. No.: 9281/3900

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed February 6, 2007. This matter is being treated under 37 CFR 1.705(b) as an application for patent term adjustment.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(d) is GRANTED TO THE EXTENT INDICATED HEREIN.

The above-identified application matured into U.S. Patent No. 7,167,340 on January 23, 2007. The instant request for reconsideration was timely filed in accordance with 37 C.F.R. § 1.705(d). The patent issued with a PTA of 543 days. Patentee argues that the application is entitled to an adjustment of 1842 days.

An overall adjustment of 1101 days can be attributed to the Office (630 days under 37 CFR 1.702(a)(1) and 471 days under 37 CFR 1.702(a)(4)).

The adjustment of 1101 days is properly reduced a total of 550 days for failure to engage in reasonable efforts to conclude prosecution.

As reflected in the decision mailed December 1, 2006, the pre-allowance reductions are as follows: 34 days in accordance with 37 CFR 1.704(b) in connection with the reply filed August 16, 2001; 242 days in accordance with 37 CFR 1.704(c)(7) in connection with the reply submitted April 15, 2002; and 34 days in accordance with 37 CFR 1.704(b) in connection with the reply filed November 5, 2004.

The post-allowance reductions are: 120 days in accordance with 37 CFR 1.704(c)(10) in connection with the IDS filed October 18, 2005 and 120 days in accordance with 37 CFR 1.704(c)(10) in connection with the IDS filed July 3, 2006.

Therefore, at the time of issuance, the patent was entitled to an adjustment of 551 days (adjustment of 1101 days less reductions of 550 days).

Patentees argue that the application is entitled to additional adjustment under 37 CFR 1.702(b) for failure to issue the patent within three years from the date upon which the application was filed.

If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B) (and 37 C.F.R. § 1.704(b)), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the application that overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See, 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004).

Herein, the period of adjustment under 37 CFR 1.702(a) not only overlaps, but actually exceeds the period beyond three years from the date that the application was filed. As such, the patent is not entitled to any additional adjustment pursuant to 37 CFR 1.702(b).

Thus, at the time of issuance, the patent was entitled to an adjustment of 551 days.

Any request for reconsideration of this decision must be submitted within two months of the mail date of the instant decision. The time period for reconsideration may not be extended pursuant to 37 CFR 1.136.

The Office acknowledges receipt of the required fee of \$200.00 for an application for patent term adjustment.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 551 days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kerry A Fries
Kerry Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Draft Certificate of Correction

Day : Thursday
 Date: 12/27/2007

Time: 11:19:28

PALM INTRANET**PTA Calculations for Application: 09/802314**

| | | | |
|--------------------------|------------|-------------------------|------|
| Application Filing Date: | 03/08/2001 | PTO Delay (PTO): | 1101 |
| Issue Date of Patent: | 01/23/2007 | Three Years: | 0 |
| Pre-Issue Petitions: | 0 | Applicant Delay (APPL): | 348 |
| Post-Issue Petitions: | 0 | Total PTA (days): | 551 |
| PTO Delay Adjustment: | -202 | | |

File Contents History

| Number | Date | Contents Description | PTO | APPL | START |
|--------|------------|---|-----|------|-------|
| 105 | 12/27/2007 | ADJUSTMENT OF PTA CALCULATION BY PTO | 8 | | |
| 100.5 | 01/03/2007 | PTA 36 MONTHS | | | |
| 100 | 01/23/2007 | PATENT ISSUE DATE USED IN PTA CALCULATION | 471 | | 90 |
| 99 | 12/11/2006 | RECEIPT INTO PUBS | | | |
| 98 | 12/05/2006 | DISPATCH TO FDC | | | |
| 97 | 06/09/2005 | ISSUE FEE PAYMENT VERIFIED | | | |
| 96 | 12/05/2006 | MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT | | | |
| 95 | 12/05/2006 | MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT | | | |
| 94 | 12/05/2006 | DISPATCH TO FDC | | | |
| 93 | 12/05/2006 | APPLICATION IS CONSIDERED READY FOR ISSUE | | | |
| 92 | 12/05/2006 | TC RETURN TO PUBS | | | |
| 91 | 07/03/2006 | INFORMATION DISCLOSURE STATEMENT CONSIDERED | | | |
| 90 | 06/09/2005 | ISSUE FEE PAYMENT VERIFIED | | | |
| 88 | 12/01/2006 | MAIL-RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE | | | |
| 88 | 12/01/2006 | MAIL-RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ALLOWANCE | | | |
| 87 | 11/30/2006 | ADJUSTMENT OF PTA CALCULATION BY PTO | | | |
| 87 | 11/30/2006 | ADJUSTMENT OF PTA CALCULATION BY PTO | 132 | | |
| 86 | 11/30/2006 | ADJUSTMENT OF PTA CALCULATION BY PTO | | | |
| 86 | 11/30/2006 | ADJUSTMENT OF PTA CALCULATION BY PTO | 276 | | |

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| 85 | 11/30/2006 | ADJUSTMENT OF PTA CALCULATION BY PTO | | | |
| 85 | 11/30/2006 | ADJUSTMENT OF PTA CALCULATION BY PTO | | 66 | |
| 84 | 07/03/2006 | REFERENCE CAPTURE ON IDS | | | |
| 83 | 07/03/2006 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | 8 | 81 |
| 82 | 05/19/2005 | PETITION ENTERED | | | |
| 81 | 07/10/2006 | MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT | | | |
| 79 | 10/18/2005 | INFORMATION DISCLOSURE STATEMENT CONSIDERED | | | |
| 78 | 03/21/2006 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 77 | 12/01/2005 | CASE DOCKETED TO EXAMINER IN GAU | | | |
| 76 | 05/19/2005 | MISCELLANEOUS INCOMING LETTER | | 120 | 81 |
| 75 | 11/16/2005 | MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT | | | |
| 74 | 10/18/2005 | REFERENCE CAPTURE ON IDS | | | |
| 73 | 10/18/2005 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | 120 | 81 |
| 72 | 10/25/2005 | RECEIPT INTO PUBS | | | |
| 71 | 10/25/2005 | RECEIPT INTO PUBS | | | |
| 69 | 07/08/2005 | RECEIPT INTO PUBS | | | |
| 68 | 06/09/2005 | ISSUE FEE PAYMENT RECEIVED | | | |
| 67 | 04/13/2005 | WORKFLOW - FILE SENT TO CONTRACTOR | | | |
| 66 | 03/18/2005 | EXPORT TO INITIAL DATA CAPTURE | | | |
| 65 | 03/11/2005 | MAIL NOTICE OF ALLOWANCE | | | |
| 64 | 03/11/2005 | MAIL FORMAL DRAWINGS REQUIRED | | | |
| 63 | 03/07/2005 | ISSUE REVISION COMPLETED | | | |
| 62 | 03/07/2005 | FORMAL DRAWINGS REQUIRED | | | |
| 61 | 03/07/2005 | NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED | | | |
| 60 | 03/07/2005 | NOTICE OF ALLOWABILITY | | | |
| 57 | 02/17/2005 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 56 | 02/24/2005 | DATE FORWARDED TO EXAMINER | | | |
| 55 | 02/17/2005 | AMENDMENT AFTER FINAL REJECTION | | | |
| 53 | 02/17/2005 | WORKFLOW INCOMING AMENDMENT IFW | | | |
| 52 | 10/29/2004 | REFERENCE CAPTURE ON IDS | | | |
| 51 | 10/29/2004 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |

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|----|------------|--|-----|----|----|
| 50 | 12/15/2004 | DATE FORWARDED TO EXAMINER | | | |
| 49 | 11/05/2004 | AMENDMENT AFTER FINAL REJECTION | | 34 | 38 |
| 48 | 11/05/2004 | REQUEST FOR EXTENSION OF TIME - GRANTED | | | |
| 47 | 12/13/2004 | MAIL FINAL REJECTION (PTOL - 326) | | | |
| 46 | 12/11/2004 | FINAL REJECTION | | | |
| 45 | 11/05/2004 | WORKFLOW INCOMING AMENDMENT IFW | | | |
| 44 | 10/12/2004 | MAIL ADVISORY ACTION (PTOL - 303) | | | |
| 43 | 10/07/2004 | ADVISORY ACTION (PTOL-303) | | | |
| 42 | 10/05/2004 | IFW TSS PROCESSING BY TECH CENTER COMPLETE | | | |
| 41 | 10/05/2004 | DATE FORWARDED TO EXAMINER | | | |
| 40 | 08/27/2004 | AMENDMENT AFTER FINAL REJECTION | | | |
| 39 | 08/27/2004 | WORKFLOW INCOMING AMENDMENT IFW | | | |
| 38 | 07/02/2004 | MAIL FINAL REJECTION (PTOL - 326) | | | |
| 37 | 06/28/2004 | FINAL REJECTION | | | |
| 36 | 05/28/2004 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | 0 | 34 | |
| 35 | 06/09/2004 | DATE FORWARDED TO EXAMINER | | | |
| 34 | 05/28/2004 | RESPONSE AFTER NON-FINAL ACTION | | | |
| 33 | 05/28/2004 | WORKFLOW INCOMING AMENDMENT IFW | | | |
| 32 | 03/15/2004 | MAIL NON-FINAL REJECTION | | | |
| 31 | 03/11/2004 | NON-FINAL REJECTION | | | |
| 30 | 03/08/2001 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |
| 29 | 09/17/2001 | REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED) | | | |
| 28 | 02/24/2004 | DATE FORWARDED TO EXAMINER | | | |
| 27 | 02/20/2004 | RESPONSE TO ELECTION / RESTRICTION FILED | | | |
| 26 | 02/12/2004 | APPLICATION DISPATCHED FROM OIPE | | | |
| 25 | 02/12/2004 | APPLICATION IS NOW COMPLETE | | | |
| 24 | 09/17/2001 | PAYMENT OF ADDITIONAL FILING FEE/PREEXAM | 66 | 5 | |
| 23 | 09/17/2001 | A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC | | | |
| 22 | 01/28/2004 | MAIL RESTRICTION REQUIREMENT | 630 | -1 | |
| 21 | 01/23/2004 | REQUIREMENT FOR RESTRICTION / ELECTION | | | |
| 20 | 12/23/2003 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED | | | |

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| 19 | 07/24/2003 | MISCELLANEOUS INCOMING LETTER |
| 18 | 11/26/2003 | CASE DOCKETED TO EXAMINER IN GAU |
| 17 | 11/26/2003 | DISPATCH FROM OIPE TO CORPS - U-P-R-D APPLICATION |
| 16 | 09/17/2001 | OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL) |
| 15 | 09/17/2001 | SUBSTITUTE SPECIFICATION FILED |
| 14 | 07/23/2003 | MAIL-PETITION DECISION - GRANTED |
| 13 | 03/24/2003 | PETITION ENTERED |
| 12 | 05/21/2003 | MAIL-PETITION DECISION - GRANTED |
| 11 | 05/21/2003 | MAIL-PETITION DECISION - DISMISSED |
| 10 | 02/14/2002 | PETITION ENTERED |
| 9 | 02/14/2002 | PETITION ENTERED |
| 8 | 10/10/2001 | MAIL-PETITION DECISION - DISMISSED |
| 7 | 08/16/2001 | PETITION ENTERED |
| 5 | 04/13/2001 | NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED |
| 4 | 04/13/2001 | CORRESPONDENCE ADDRESS CHANGE |
| 3 | 04/13/2001 | CORRESPONDENCE ADDRESS CHANGE |
| 2 | 03/26/2001 | IFW SCAN & PACR AUTO SECURITY REVIEW |
| 1 | 03/08/2001 | INITIAL EXAM TEAM NN |

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,167,340 B2

DATED : January 23, 2007

INVENTOR(S) : Sata, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 543 days

Delete the phrase "by 543 days" and insert -- by 551 days--